

REMARKS

Applicants file concurrently herewith a Request for Continued Examination. This Amendment and the following remarks are intended to fully respond to the Final Office Action mailed September 6, 2007. In that Final Office Action, claims 1 and 3-22 are rejected under 35 USC 102(e) as being anticipated by Hanna et al., US Patent No. 6,801,998, (hereinafter “Hanna”). Additionally, claims 1, 9 and 16 are rejected under 35 USC § 112 because there is allegedly insufficient antecedent basis for the limitation “to establish the group identity” in the claims.

Reconsideration of these rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested.

In this Response, claims 1, 7, 9, 12, 14, 16, 18-20, and 22 have been amended; claims 17 and 21 have been canceled; and no new claims have been added. Therefore, claims 1, 1-16, 18-21, and 22 remain present for examination.

Claim Rejections - 35 USC § 112

Claims 1, 9, and 16 stand rejected under 35 USC § 112 for insufficient antecedent basis for the previously presented limitation that recited to establish a group identity. Claim 1 has been amended to recite a method for establishing a new group identity, thus providing proper antecedent basis for the amended limitation reciting to establish a new group identity. Similarly, claim 9 has been amended to recite an apparatus for establishing a new group identity, thereby providing proper antecedent basis for the now amended limitation reciting to establish the new group identity. Finally, claim 16 has been similarly amended to recite a computer process for establishing a new group identity to provide sufficient antecedent basis for the amended limitation reciting to establish the new group identity. In light of these amendments, the § 112 amendment is moot, and reconsideration is respectfully requested.

Claim Rejections - 35 USC § 102(e)

Claim 1, 3-16, 18-20, and 22 stand rejected under 35 USC § 102(e) as being anticipated by Hanna. Applicants respectfully traverse the § 102(e) rejections because either the Examiner

has failed to state a *prima facie* case of anticipation or the current amendments to the claims now render the Examiner's arguments moot. Indeed, a *prima facie* case of anticipation can be met only where the reference teaches each and every aspect of the claimed invention. *See* MPEP §§ 706.02 & 2136. Under 35 U.S.C. § 102, a reference must show or describe each and every element claimed in order to anticipate the claims. *Verdegaal Bros. v. Union Oil Co. of California* 814 F.2d 628 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference"). Specifically, Hanna fails to teach or suggest at least sending the group-signed group identity information document to a receiving system to establish the new group identity at the receiving system, as recited in claim 1.

Hanna is directed to a system for determining whether an applicant is a member of a *preestablished*, authorized group without providing the applicant the names of the authorized group or groups. The Hanna system comprises a client, an application server, and a group member server. (*See* Hanna, Fig. 1). A client who desires a service that is performed by the application server logs on to the application server and requests the service from it. In response, the application server requests proof from the client that the client is a member of a group that has permission to receive the requested service. (*See id.*, col. 4, l. 64 – col. 5, l. 33). However, the Hanna system is designed such that it avoids providing the client with information about which group or groups are eligible to receive the requested service. Such transmission of data is avoided to make it harder for unauthorized users to hack or spoof the system. (*See id.*) Instead, the application server provides the client with an encrypted message intended for a group membership server. (*See id.*, col. 5, ll. 36-62). The client forwards the encrypted message to the applicable group server which decrypts the message to reveal information regarding authorized groups. The group server uses this information to determine whether the client is a member of one of the groups or meets the criteria for membership in one of the specified groups. (*See Id.*, col. 5, l. 62 – col. 7, l. 6). The group server then returns an encrypted message to the application server indicating whether or not the client is a member of a group authorized to receive the requested service. Upon receipt, the application server decrypts the message and determines whether or not to grant the requested service to the client. (*See id.*)

As noted in Applicant's previous amendment dated June 15, 2007, Hanna fails to teach or suggest sending the group-signed group identity information document to a receiving system to establish the new group identity at the receiving system. At no point does the reference teach establishing the new group identity. Instead, all of the group identities in the reference are predefined. The application server taught in Hanna uses a *preexisting* list of established groups to determine whether or not to grant a requested service to a client. Additionally, the group server determines whether a client is a member of one of the *preestablished* groups in response to receiving the encrypted message from the application server. The reference's use of preestablished lists clearly fails to teach or suggest establishing the new group identity, as recited in claim 1.

In the Final Office Action, the Examiner argues that the limitation, as previously presented, "could be taken to mean that a certain identity, meaning person or individual, is being established as a member of the group." (Final Office Action, p. 2). Applicants respectfully submit that the Examiner's argument misinterprets the claim and ignores the meaning of the word "establish" both as it is ordinarily used and as it is used in the specification. Nevertheless, Applicants have amended to the claim to recite establishing the new group identity to clarify that the limitation relates to establishing a new group identity, not a new member of the group. Indeed, membership in the group is established by sending a group-signed membership identity information document. This is clearly defined in claim 3 which recites, sending a group-signed membership identity information document with the group-signed group identity information document to the receiving system to establish membership of an originator of the membership identity information document in the group identity established at the receiving system. Applicants respectfully submit that claim 1 is now clearly allowable over the cited references.

Independent claims 9 and 16 are also allowable over Hanna. For example, independent claim 9 recites a send module transmitting the group certificate to establish the new group identity at a receiving system. As discussed, Hanna does not disclose an apparatus to establish a new group identity. Independent claim 16 recites sending the group certificate to the receiving system to establish the new group identity at the receiving system. Applicants additionally point out that independent claim 16 has been amended to include the limitations of former dependent claims 17 and 21, which are hereby cancelled. Claim 16 now additionally recites sending a

membership certificate to the receiving system to establish the originator as a member of the new group at the receiving system; generating a personal certificate having at least a public key of the originator and a digital signature for the originator signed by the originator with a private key associated with the public key of the originator; and sending the personal certificate to establish the personal identity of the originator at the receiving system. Again, Hanna fails to teach or suggest all of the limitations of claim 16 because the reference does not teach or suggest a new group, as recited multiple times in claim 16.

In light of these clarifying amendments, Applicants believe independent claims 1, 9, and 16 are allowable over the cited reference. All other claims, i.e., claims 3-15, 18-20, and 22 depend from one of the independent claims and, therefore, are allowable for at least the same reasons previously noted. Applicants respectfully request that the Examiner issue a notice of allowance, at his earliest convenience.

Conclusion

This Amendment fully responds to the Final Office Action mailed on September 6, 2007. Still, that Office Action may contain arguments and rejections that are not directly addressed by this Amendment due to the fact that they are rendered moot in light of the preceding arguments in favor of patentability. Hence, failure of this Amendment to directly address an argument raised in the Office Action should not be taken as an indication that the Applicants believe the argument has merit. Furthermore, the claims of the present application may include other elements, not discussed in this Amendment, which are not shown, taught, or otherwise suggested by the art of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

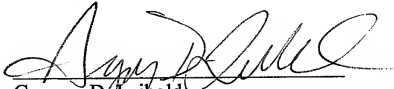
It is believed that no further fees are due with this Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

In light of the above remarks and amendments, it is believed that the application is now in condition for allowance and such action is respectfully requested. Should any additional

Application No. 10/692,530

issues need to be resolved, the Examiner may telephone the undersigned to attempt to resolve those issues.

Respectfully submitted,



Gregory D. Leibold

Reg. No. 36,408

MERCHANT & GOULD P.C.

P.O. Box 2903

Minneapolis, Minnesota 55402-0903

303-357-1642

Date: December 06, 2007

